

# EXHIBIT “G”

Part II of II

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McCoy

pay, and I started to feel like I was in pain,  
and I remember thinking like maybe I should  
just leave this stuff and not pay for it and go  
home, this was -- I'm starting to not feel  
good, and then I thought, well, I would have  
just wasted all this time, so I stayed on line.

Q. How many items was it that you  
intended to purchase?

A. A few -- there were just like a few  
items, some kitchen items.

Q. What were they, if you remember?

A. I remember a pot, like the kind  
of -- like the stainless steel pot, maybe a  
pillow, like an oversized pillow that you put  
on the sofa, there might have been one or two  
small items, things like that.

Q. And did you end up waiting on the  
line and ultimately making the purchase?

A. I did, yes.

Q. At that point, did you then leave  
the store?

A. Yes, I did.

Q. When you made the purchase at the  
register, did you discuss the incident with the

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individual at the register?

A. I think I probably did say something like, yes, I fell upstairs and now I'm starting to really hurt.

Q. Do you recall who it was --

A. No, it was very busy, there were a lot of people and they had a number of cash register people working the cash register.

Q. Do you recall that individual saying anything to you in response?

A. Probably oh, my God, that's terrible.

Q. You said "probably," I don't want you to guess --

A. Okay. So, I don't recall.

Q. Can you estimate how much the stools weighed that were involved in your incident?

A. No, I can't estimate.

Q. Would you describe them as heavy items, light items, somewhere in the middle?

A. Somewhere in the middle.

Q. On your subsequent visits back to the store, did you ever see those stools again



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Q. So, after you left the HomeGoods store that day, where did you go?

A. I came home.

Q. Did you make any stops along the way?

A. I don't think so.

Q. When is the first time that you sought medical treatment following the incident?

A. I think it was the following day.

Q. Where did you go?

A. I went right around the corner, they have a -- one of those Mount Sinai -- where you can go in and -- I forget what it's called. It's not the actual hospital, but it's sort of like a clinic type thing where you can go in.

Q. Like an urgent care?

A. I'm sorry, that's it, urgent care.

Q. Did it have a name that you can recall?

A. It's one of the Mount Sinai urgent cares.

Q. Had you ever been there before?

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2           A.       I don't think so, no, because I had  
3       recently moved to this apartment, so I wouldn't  
4       have gone there before.

5 Q. Okay. And what complaints of pain  
6 did you make that day?

7           A.       That I was having a hard time  
8   moving and I was in pain on my right side.

9 Q. Did you say specifically where on  
10 the right side or just --

11 (Talking over each other.)

12           A.       I was showing them how I was having  
13       a hard time moving. I was trying to move my  
14       body, my torso to the left and to the right and  
15       my arms. And, you know, I basically said I had  
16       fallen yesterday and, you know, now I'm  
17       starting to hurt.

18 Q. When you said you were having a  
19 hard time moving, was it because of pain or  
20 were you physically unable to move or something  
21 else?

22           A.     Both, I was physically unable to  
23    move and there was pain.

24 Q. Other than your right side, which  
25 you've already mentioned, did you mention any



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more specific places on your right side,  
whether it be your hips, your leg, your --  
anything?

A. No. I think they -- I showed them  
some of the bruising that had developed.

Q. Where did you have bruising?

A. All along my right side, on my  
arms, on my hip area, on my thigh.

Q. What, if anything, did they do for  
you at the urgent day?

A. They took X-rays.

Q. Of what parts of your body?

A. My ribs.

Q. That's on the right side or both  
ribs?

A. I'm not sure if it was both sides.

Q. Did they tell you the results of  
that X-ray?

A. One of the technicians who was  
doing it said she thought it was a hairline  
fracture, but that she wasn't the one to make  
that determination, that the doctor did. And I  
don't remember -- I don't think the doctor said  
anything. She said that she would send it to

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2 my primary care physician.

3 Q. Did the doctor ever say that you  
4 had any type of fracture based upon his  
5 examination of the X-ray?

6 A. Which doctor.

7 Q. The one at the urgent care?

8 A. I don't recall her telling me  
9 specifically whether it was or not, I know she  
10 said that she sent the information to my  
11 primary care physician, and that I should check  
12 with my primary care physician.

13 Q. Just so I'm clear, did you see both  
14 the X-ray technician and a doctor as urgent  
15 care or --

16 A. Yes, yes. The technician is the  
17 one who actually did the X-rays, and then I  
18 remember that I was in the room with her when  
19 she was looking at them, and she showed me and  
20 then she said that I -- the doctor --

21 Q. You cut off. Could you repeat that  
22 last sentence? We can't hear you.

23 MR. O'NEILL: No sound.

24 (Zoom connection dropped.)

25 THE WITNESS: Can you hear me now?



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McCoy

BY MS. AZZARETTO:

Q. Now we can hear you.

A. Okay.

Q. Do you want me to have the last question read back?

A. No. So, the technician then said to me that I would have to see the doctor, and the doctor would explain more.

Q. And was she referring to the doctor at the urgent care --

(Talking over each other.)

A. Yes, the doctor at the urgent care.

Q. Just try and let me finish my sentence so that the court reporter doesn't kill us.

A. Okay, yes.

Q. Now, when you spoke with the doctor at the urgent care, did he tell you one way or another whether he saw a fracture in the rib area?

A. It was a female -- she was a female, and I don't recall whether she told me or whether there was a fracture or not. I know she did say that she was sending it to my

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primary care physician, and that's what I recall.

Q. Who was your primary care physician?

A. Dr. Debra Green.

Q. Other than what you've already told me, did they do anything else for you at the urgent care facility that day?

A. No.

Q. Did you make any complaints of pain anywhere in your lumbar or cervical spine at the urgent care that day?

A. No. I'm sure that I told them that I have ankylosing spondylitis, and they might have seen it in my -- because I have a lot of doctors at Mount Sinai and have been treated for many years at Mount Sinai, they would have seen that in my --

Q. I just want to know if you were complaining of pain to the back or neck that day at that visit, regardless of what they were aware of --

A. No, not in that visit. I do remember just feeling very stiff.

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McCoy

Q. And where? In your whole body?

A. In my cervical area.

Q. Okay. So, other than what we've already discussed, they didn't do anything else for you at Urgent Care; correct?

A. Yeah, I don't recall.

Q. Okay. Did you then, in fact, go see Dr. Green at some point following the incident?

A. Yes, I did because I had to go see her to get a referral to go to my specialist at Mount Sinai.

Q. And for what reason did you need to see your specialist at Mount Sinai? Was that for the spondylitis or something else?

A. It was for this, it was for falling and for the spondylitis. The doctor there, they have been treating me for many years, so I -- Dr. Green is really, you know -- she's -- mostly because I have a disease that's taken care of by a number of doctors, she doesn't get that involved in it, so there is more an issue of getting referrals or if I need a flu shot or that sort of thing.

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Q. Where is Dr. Green's office located?

A. Park Avenue and in the 80s.

Q. How long after the urgent care facility was it that you went to see Dr. Green?

A. I think it was the next day.

Q. Did she review the X-rays that were provided by urgent care at that time?

A. I don't remember if she did.

Q. What, if anything, did Dr. Green do for you on that initial visit other than provide you with a referral to the Mount Sinai doctor?

A. I mean, she probably took my vitals -- they took my vitals and she probably did an examination, where I showed her that I was having a hard time moving and that it was painful. And I think I showed her the bruising and the cuts, and that probably would have been it, and then she would have -- they would have sent me -- given me a referral.

Q. Did she take any X-rays of her own?

A. No, no.

Q. Okay. She gave you a referral for

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your specialist at Mount Sinai?

A. For the -- yes, for the  
rheumatology department.

Q. Okay. Was there a particular  
rheumatologist with whom you had a course of  
treatment at that time?

A. Well, I go into the clinic and so  
they have an attending physician, and then they  
have rotating residents. So, at the time, I  
feel like at this point I've been through three  
residents with this -- with this issue. So, I  
don't remember the name of the resident. My --  
the attending there is Dr. -- I'm sorry, I'm  
having a senior moment, I'm blacking -- I'm  
forgetting it, but I will remember it. And  
she's seen me for quite a long time.

Q. We can leave a blank in the  
transcript and you could fill it in later.

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BY MS. AZZARETTO:

Q. So, this attending doctor at Mount  
Sinai is someone whom you had been treating  
with for a while before this incident; correct?

A. Yes.

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McCoy

Q. And is she any type of specialist  
or was she basically the --

A. No, she's a very -- she's a  
prominent rheumatologist.

Q. She is. Okay. And is that the  
individual who you went to see following this  
fall, when you got the referral from Mount  
Sinai?

A. Yes, I would have gone to see her.

Q. Now, when did you first start going  
to the rheumatology clinic at Mount Sinai, how  
long before?

A. First went to rheumatology at Mount  
Sinai in 2011, I think.

Q. And that was for the spondylitis;  
correct?

A. Yes.

Q. So, let's get into that a little  
bit more.

When were you first diagnosed with the  
spondylitis?

A. As I said, it was some decades  
earlier. My father had it, I did have a gene  
for it, which I had been -- they did some

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tests, the HLA-B27 gene. And I think in my 30s it was determined. But it doesn't necessarily mean that you're going to get it if you have a gene, just that you -- there's maybe a predisposition. And I -- in my 40s I started to see another rheumatologist who was affiliated with Mount Sinai, not at Mount Sinai, and he started treating me for it, for the ankylosing spondylitis. But it was -- I wasn't experiencing anything major, it was just something to keep an eye on.

Q. Okay. Let's stop there.

When you had the testing done in your 30s to see if you had the gene, where was that done?

A. It was done with a primary care physician in Manhattan.

Q. And what's that doctor's name?

A. Dr. David Feldman.

Q. When did you stop treating with Dr. Feldman as your primary care physician?

A. Sometime in my 30s.

Q. Okay. Any particular reason you stopped treating with Dr. Feldman?





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I -- he's also on Park Avenue, but I would have to follow up with that.

Q. Okay. Now, how long did you treat with that rheumatologist for?

A. A number of years.

Q. Would it be two years, five years, ten years?

A. I stopped in 2011, so, yes, it probably would have been maybe more than five years.

Q. Why did you stop treating with that rheumatologist?

A. Because at that point I -- there was a significant amount of fusion that had occurred. I was in extreme pain and I was -- when I spoke to a doctor there, my new primary care physician, who was at Mount Sinai, Dr. Doug Dieterich, he suggested that I see someone in the rheumatology department, and so I decided to take his advice.

Q. While you were treating with the doctor whose name we can't recall up until 2011, what treatments, if any, were given to you for the spondylitis? Is there anything

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2 that could be done for it?

3 A. No, I took an anti-inflammatory  
4 medication, Celebrex. And, you know, I was  
5 very active, I did a lot of yoga and Pilates,  
6 and he used to just tell me, "Keep doing what  
7 you're doing." I ate very healthy, and so he  
8 was always very pleased with how I was  
9 progressing.

10 Q. Were there any surgical procedures  
11 that were recommended to you?

12 A. No.

13 Q. And then at some point, you began  
14 seeing Dr. Doug Dieterich, can you spell that?

15 A. D-I-E-T-E-R-I-C-H.

16 Q. And he is at Mount Sinai?

17 A. Yes.

18 Q. How long did you treat with Dr.  
19 Dieterich for, for the spondylitis?

20 A. For a number of years as my primary  
21 care physician, and he also treated me for GI  
22 issues.

23 Q. Now, did his treatment of the  
24 spondylitis condition differ in any way from  
25 the prior rheumatologist?

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A. He didn't treat me for the ankylosing spondylitis. He was my primary care physician and treated me for some related GI issues. But at that time, I was still seeing the unnamed rheumatologist.

Q. And then at some point in 2011 is when you stopped seeing the unnamed -- right?

A. Yes.

Q. Okay. So, who did you switch to at that point with regard to the ankylosing spondylitis?

A. She's in the rheumatology department, and the doctor that I initially saw was Dr. Ghaw; G-H-A-W.

Q. Okay. And approximately when did you start treating with Dr. Ghaw and when did you stop?

A. I saw her for a period of time, and then she -- she did X-rays and they saw a significant amount of fusion had occurred in my spine, which was really shocking because I didn't know how the other rheumatologist hadn't seen that.

And she put me on a course of

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treatment, they wanted to get me started on these TNF blocker drugs, but they did some sort of PCR test and it showed that I had once been exposed to hepatitis, which turned out to be false, actually.

So, they couldn't start me on the drugs yet, the insurance prevents it, until you do this course of action. So, I was on another drug, INF or something like that, for like five or six months until they were able -- I went to another specialist in Infectious Disease who did the gold standard test for whether I had been exposed to the hepatitis or not, and he said no, so I should get off those drugs.

And at that point, I decided to switch rheumatologists in that department and go to another one.

Q. When was that, approximately?

A. That was like 2012.

Q. Okay. And you began to see a different rheumatologist in the same Mount Sinai department; correct?

A. Yes.

Q. Who did you start seeing in 2012?

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McCoy

A. Dr. Yousaf Ali; Y-O-U-S-A-F, A-L-I.

Q. Are you still treating with Dr.  
Ali?

A. No, I don't have the insurance for  
it. He doesn't accept it, so that's why I'm in  
the clinic with his colleague.

Q. How long did you treat with Dr. Ali  
for?

A. Until -- I think it was 2013 when  
my insurance changed.

Q. And during that time period, what  
did Dr. Ali do for you, if anything, with  
regard to the condition?

A. He put me on a drug, one of these  
TNF blockers called Remicade, which is an  
infusion that you have to get every six weeks  
at the therapeutic infusion center at Mount  
Sinai, and it was a miracle. Like, you know, I  
went from not being able to move to, you know,  
feeling like myself again.

Q. Okay. So, it definitely helped  
with the pain related to the condition?

A. Yes.

Q. Okay.

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2 A. It's not just the pain. There is a  
3 limited mobility that happens because your  
4 vertebrae are fused, so you just don't have  
5 that kind flexibility and mobility, so it helps  
6 with that.

7 Q. So, when your insurance changed in  
8 2013, you went to see Dr. Ali -- one of Dr.  
9 Ali's colleagues in Mount Sinai; correct?

10 A. I'm trying to -- no -- yes, I went  
11 to see another one of the rheumatologists in  
12 the clinic, but I went to see her at another --  
13 at her outside office because that was the way  
14 the insurance would approve it.

15 Q. And who was that?

16 A. I can't remember her name. I can  
17 fill it in at another time.

18 Q. And how long did you treat with  
19 that rheumatologist at her outside office?

20 A. Two years, three years.

21 Q. Okay. During that time period,  
22 what treatment, if any -- was it she? I'm  
23 sorry.

24 A. She, yes.

25 Q. What treatment did she do for you

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during that time period?

A. She continued the course, the same course with the Remicade.

Q. And did that continue to help you?

A. Yes, it did.

Q. And approximately two years later, for what reason did you stop treating with her?

A. The -- at a certain point, the Remicade ceased to work for me and -- and then I was in the facility, the Coler facility and we were trying to figure out another -- and I was in bad shape, physically bad shape.

Q. And you were admitted to that rehabilitation facility in order to address this condition; correct?

A. I couldn't take care of myself anymore, so yes.

Q. And how long total were you in the rehab facility?

A. Three years, two and a half years. I was also waiting for housing while I was in there. I had applied for housing since I have lost my source of income and my housing, and so I was waiting for that, as well.

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Q. During the time that you lived in a rehabilitation facility, did you have one specialist with whom you dealt with for this condition, or was it multiple people?

A. No, I started to see -- I continued to see the Mount Sinai people, but I had to go into the clinic because I had Medicaid.

Q. So, when you say you had to go to the clinic, you're talking about the Mount Sinai clinic?

A. Yes, the rheumatology clinic. If you have Medicaid, you get to access the same doctors, but as attendings with residents.

Q. So, while you were living in the rehab facility, you're still able to treat with the Mount Sinai rheumatologist?

A. Yes.

Q. And which rheumatologist were you treating with while you were living in the rehab, do you know?

A. No, that's what I'm saying, I can't -- for some reason I'm having a blank with her name.

Q. Still the same one. And I just



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want to bring this up to present time so I have a clear list of whom you treated with throughout the years for this condition. So, that individual whose name you can't recall, was that still the same person that you treat with currently, or did she stop treating you at some point?

A. No, currently. Although I haven't been there in a while.

Q. And why is that?

A. I have had some difficulties getting out of the building because of the elevator. There's a lot of elevator problems, outages, and I haven't been able to make some of the appointments.

Q. Do you have any current appointments with the rheumatologist?

A. No.

Q. Do you intend to make any future appointments?

A. I'm planning -- yes, I do intend to make an appointment in the next couple of weeks. I'm planning on transferring from this apartment to another apartment where the

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1 McCoy

2 elevators are in better shape.

3 Q. When is the last time you treated  
4 with the rheumatologist from the clinic?

5 A. Five, six months ago.

6 Q. At that time, were you still  
7 getting the infusion?

8 A. No, the infusions, they stopped  
9 working for me, which is why we went through  
10 another series of drugs, and some of them  
11 worked, some of them didn't work. They worked  
12 for a short period of time, and then we  
13 established that Humira worked -- worked almost  
14 as well as the -- as the Remicade. I wasn't  
15 thrilled about how to take Humira because it's  
16 an injection, I wasn't crazy about having to do  
17 an injection in my -- for the rest of my life,  
18 but -- but that's what we eventually fixed on.

19 Q. And do you feel that's it helped  
20 since you've been on the Humira?

21 A. With my ankylosing spondylitis,  
22 yes.

23 Q. Other than the pain and the  
24 stiffness that we discussed, are there any  
25 other symptoms you have associated with that

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McCoy

ankylosing spondylitis condition that we  
haven't discussed already?

A. There are related GI issues as part  
of the larger disease.

Q. And what kind of GI issues?

A. Initially years ago, I had  
ulcerative colitis and I had a surgery, I had  
my colon taken out and they made a new one out  
of my small intestine. So, I get treated by a  
gastroenterologist for that.

Are you not seeing me?

Q. You're kind of all over the place,  
I'm just going with it, unless anyone else has  
an objection because we're nearing the end, so  
-- cut in and out.

A. Okay, okay.

Q. We're getting there. Okay.

A. And in an earlier stage, also  
because --

MR. O'NEILL: Wait for a question,  
please.

THE WITNESS: Okay; yes. I'm sorry.

BY MS. AZZARETTO:

Q. Is it your claim that the

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McCoy

ankylosing spondylitis condition that you have  
was worsened in any way as a result of the fall  
that took place at HomeGoods?

A. Absolutely.

Q. In what ways?

A. The most significant ways to treat and to help yourself with ankylosing spondylitis, in addition to taking the TNF drugs, is to stay as active and move as possible.

So, I was always -- even while I was taking the Remicade and in hospital when I was taking -- getting the Humira, I would do yoga, I lifted weights, I was very active, very, you know -- it was very important for me to stay active because the more you move, the more you are able to move.

When I fell, after the fall, because I feel I have these experiences as less -- I'm less mobile in that area, because of that, it is hindering me from being able to be as active as I need to be and have been in the past with my ankylosing spondylitis. So, it's sort of like, you know, it's impacting it in that way.



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McCoy

Q. And you said you're less mobile in that area, what area are you referring to?

A. It's in my -- in sort of the middle, on the right side in my torso, on the right side of my torso. So, if I move my arm up to go -- to pick something up or down to lift something off the floor or if I were to do some sort of stretching or yoga or -- as I used to do, I was a kayaker, I loved to kayak. This is just not something I can do anymore without a sort of significant pain that occurs in that site.

Q. Have any of the doctors ever told you that your ankylosing spondylitis condition worsened as a result of the fall at HomeGoods?

A. They -- they don't say that. They asked me is my Humira still working? Should I continue to be on the Humira? And I tell them yes, because there is no other stronger drug.

Q. Now, let's talk about the rib area again just briefly. So, you indicated before that the X-rays were going to be sent to your primary care physician that were taken of the rib that day, and the doctor didn't make any

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McCoy

statements to you one way or another about whether or not there was a fracture. And I believe you said Dr. Green was your primary doctor at the time; correct?

A. Yes.

Q. Was there any further evaluation of the right rib injury at any point with Dr. Green?

A. Not with Dr. Green. With the rheumatologist, they did.

Q. And the rheumatologist at Mount Sinai at the clinic; correct?

A. Yes.

Q. Did they take any of their own X-rays of the right rib area at any point?

A. Not of the right rib area because they're all connected to Mount Sinai, but they -- they did order other sets of X-rays.

Q. Of what parts of your body?

A. Of the -- you know what? I'm not really sure, I feel like it's been a number of them, and they just send them and I go and, you know, they -- they wanted a number of them done.

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2 Q. And was that right at the point  
3 when Dr. Green sent a referral following the  
4 incident, is that around the time when those  
5 X-rays took place or some other time?

6           A.       It was around the time. It was  
7 also a little bit confusing because it was  
8 right when we were hit with COVID, so it was --  
9 things were locked down, there wasn't a lot of  
10 moving around even to go to the hospital,  
11 unless it was like an emergency.

12 Q. Gotcha. I understand you don't  
13 remember what body parts it was that were  
14 X-rayed, and again we can leave a blank in the  
15 transcript for that. But do you remember --

16           A.       I know they did my chest, my, you  
17       know -- they did my chest, they did the sides,  
18       they did, yeah, a few things.

19 Q. And do you remember discussing the  
20 results of those X-rays with the  
21 rheumatologist?

22                    A.        Yes.

23 Q. What did they tell you?

24           A.       She said that it is very difficult  
25    in these kinds of falls, fractures, that it's

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McCoy

very often that they don't show -- it doesn't show up on an X-ray. And so, because of how I presented in terms of the inability to move, difficulty breathing, she was going to treat it as if it was a fracture, and that was how we were going to deal with it.

Q. Did she ever say she observed the fracture or just what you just told me?

A. I'm pretty sure just what I just told you.

Q. Okay. Now, you said she was going to treat it as a fracture anyway.

In what way, what did she do to treat it?

A. Okay --

(Zoom connection dropped.)

BY MS. AZZARETTO:

Q. Do you need the question read back?

A. No. They treated me internally, I was given prescriptions for a number of Lidocaine patches to -- to use. Normally I think they would probably tell somebody to take some sort of ibuprofen and naproxen, but because I have GI issues related to the



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McCoy

ankylosing spondylitis, I really can't take those, they cause bleeding in my stomach. So, we were limited in terms of what they could give me. I'm not a major drug person, so, you know, it's not like narcotics, it's -- I think they -- they were hoping that the Lidocaine would help.

I did the heating pad, I -- they ordered a series of -- a course of physical therapy, which I eventually went to. Again, because of COVID, it was hard to do these things right away.

Q. You were given the prescription for the Lidocaine patches.

Where did you fill that?

A. At CVS Pharmacy.

Q. Which one?

A. It's at 86th Street and Amsterdam Avenue.

Q. Now, you began a course of physical therapy.

When did you begin the physical therapy, ultimately?

A. In 2021, the beginning, like either

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McCoy

December 2020 or January 2021, I was able to finally get appointments.

Q. Where did you go for that?

A. Mount Sinai, also.

Q. Is that in a clinic or in a hospital --

A. No, it's their physical therapy department, it's in another building. You know, up there it's like all these different parts of the hospital.

Q. Are you still going for that physical therapy?

A. No, my insurance only approved a certain amount of visits.

Q. When you first started going, how many times per week did you go?

A. I'm not sure whether it was twice a week or once a week, you know, I'm not sure exactly.

Q. And for how long did you go one or two times a week?

A. I think in the end, it was something like eight or nine visits I was allowed.

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1 McCoy

2 Q. What did the therapy consist of?

3 A. We did some movements to try to get  
4 me to be able to move in my right side more,  
5 where I could do things around the house where  
6 it wouldn't hurt as much. Even -- so, he  
7 worked with me with bands, these -- and against  
8 a wall where I would move -- push myself  
9 against the wall and then using these bands,  
10 and on a table doing certain movements, things  
11 like that.

12 Q. Did you feel that the therapy  
13 helped with the right-sided pain at all?

14 A. In some instances it did, in some  
15 instances it flared and it made it worse, and  
16 it caused me to be in a lot of pain and we  
17 would have to postpone the next session.

18 Q. The reason you stopped that therapy  
19 was because the insurance stopped paying for it  
20 or something else?

21 A. Yes, they only approved a certain  
22 amount of visits.

23 Q. And have you ever been back for  
24 therapy since that time?

25 A. No, I can't afford to pay



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McCoy

out-of-pocket for it. He gave me the bands to take it home, to do -- and they printed out a number of things for me -- printouts for me to do things at home.

Q. The right-sided pain that you experienced since the fall, did you ever experience similar right-sided pain before the fall at HomeGoods?

A. No.

Q. Do you still experience right-sided pain today?

A. Yes.

Q. Has it --

A. Not right now, not as I'm sitting here, no.

Q. But I mean, in general --

A. Yes.

Q. -- today, do you feel that that pain had increased or decreased since the date of accident?

A. It depends, it will depend on the activity that I'm doing. At some point, depending on an activity, it can feel worse, it can feel sharper. And in other instances, it

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1 McCoy

2 may not bother me as much.

3 Q. Do you have any future appointments  
4 with anyone with regard to the right-sided  
5 pain?

6 A. I've been considering going to see  
7 a pain management specialist, and that was the  
8 last conversation that I had with the Mount  
9 Sinai resident.

10 Q. And no current appointments as of  
11 this time; correct, for that?

12 A. No.

13 Q. And is there any reason why that  
14 hasn't been done, yet, is this something you  
15 intend to do when you can or something else?

16 A. Because elevator outages are really  
17 becoming, it's hard for me to make an  
18 appointment, and then not be able to keep it  
19 with -- because the elevators go out for --  
20 it's unpredictable, they could be out for a  
21 whole day.

22 Q. Gotcha.

23 A. Did you lose me?

24 Q. Yes.

25 (Brief discussion off the record.)

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McCoy

BY MS. AZZARETTO:

Q. Other than the doctors -- and I'm just going to go through this to try and get it done as long as you can hear me. Can you hear me?

(Zoom connection dropped.)

BY MS. AZZARETTO:

Q. Other than the doctors that we've already discussed, have you treated with anyone since the incident at HomeGoods with regard to pain in the right side?

A. No.

Q. Other than the doctors that we've already discussed, have you treated with anyone either since the accident or before the accident at HomeGoods for the ankylosing spondylitis, again other than the people we've already discussed?

A. No.

Q. Do you have any future appointments with any doctors as of this date?

A. No.

Q. You mentioned -- I'm sorry, you want to finish?

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1 McCoy

2 A. No, no.

3 Q. Now, you mentioned before that you  
4 lived a very active lifestyle, and I believe  
5 you mentioned yoga.

6 When was the last time that you  
7 performed yoga?

8 A. Well, yoga, per se, before the  
9 accident, I was probably living here for only a  
10 week, but I might have been doing some, and  
11 then while I was in the facility, I had a mat  
12 and I would do things there while I was -- in  
13 the year prior to my being discharged while I  
14 was waiting for housing.

15 Q. So, you were doing it in the rehab  
16 facility that you were living in; correct?

17 A. Yes.

18 Q. And how often were you able to do  
19 that yoga?

20 A. I would do yoga and lifted weights  
21 four, five times a week.

22 Q. Have you been able to do that at  
23 all since the incident at HomeGoods?

24 A. I do more stretching and using the  
25 bands, then anything that I would consider to

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McCoy

be yoga that I use, where I would use DVDs or  
on YouTube or something like that.

Q. And is that a matter of convenience  
or a matter of not being able to do the yoga  
anymore or something else?

A. Yes, I can't do them anymore.

Q. And is that because of pain related  
to the accident or something else?

A. It's related to pain related to the  
accident, and because my ankylosing spondylitis  
is where I'm somewhat more limited in terms of  
my mobility because of the other, I'm just --  
I'm just not as flexible.

Q. And you mentioned kayaking.

When was the last time that you went  
kayaking?

A. 2015.

Q. And have you tried to go kayaking  
since that time?

A. This past summer, I went -- I tried  
to go down -- go down on Hudson, they have a  
boat house there, and I was just not able to  
even maneuver myself into the kayak.

Q. Okay. What other activities did



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McCoy

you used to be able to do before the incident  
at HomeGoods, that you can't do either as well  
or as much anymore?

A. Can that be activities that are  
more basic?

Q. Sure.

A. I have difficulty in the shower  
with washing my hair and like scrubbing my  
back, I'm right-handed so that's also an issue.  
Putting on lotions on my back, that sort of  
thing. In some cases, getting dressed, putting  
things over my head, I tend to wear things that  
are button up or zip up now.

And getting in and out of the bed  
because of my bed, where it's positioned, I  
have to do it on the right side. So, again,  
that -- it's a little bit trickier now. In the  
kitchen or cleaning the house, like scrubbing  
the tub and things like that, it's -- I'm not  
able to do the job that I would like to do in  
the kitchen, lifting things. I used to cook a  
lot and bake, I loved cooking and baking, I  
can't even lift my cast iron pan anymore --

(Talking over each other.)

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McCoy

Q. I'm sorry, go ahead.

A. I'm sorry.

Q. Finish your sentence, go ahead.

A. So, now things I have them on the surfaces, on the counter surfaces so that I don't actually have to take things down off the top shelf or lift things up off the bottom shelf. And so, that's kind of, you know, contributed to a sort of feeling of things being somewhat messy. Blow drying my hair can be difficult.

So, you know, basic hygiene things, activities like in the kitchen, lifting -- like on the holidays, you know, lifting something out of the oven, I have to basically have somebody there to help.

Also, I'm just not, you know -- now I use the walker almost all the time, and I just don't feel that I'm as independent as I was able to, it's really, you know -- now if I want to go somewhere, I think to myself like can somebody go with me or what's the situation going to be there?

And it really has made me feel a lot

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McCoy

older. You know, when I moved here from the facility, I was really thinking like, oh, I'm going to get back to my old life again, the drug Humira is working and, you know, I will be able to jump back into my life, and it really just hasn't happened.

Q. And what specifically is it that's preventing you from doing that at this stage, is it pain, is it stiffness, is it something else?

A. There is pain when I move, yes. There is pain and there is increased stiffness from the ankylosing spondylitis, because I'm not able to keep as active as I should. It's sort of like one hand is washing the other.

Q. And the pain, where are you experiencing the pain, currently?

A. So, if I move to the right, like if I move my arm up to lift something up or move my right arm down to lift something, I basically am feeling it -- it's about two inches below my armpit and it can -- the pain can radiate out from there, so it can go toward the front, toward the back, and it's based on

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2 | sort of how I'm moving.

3 Q. And that's something you didn't  
4 experience before the fall at HomeGoods?

5 A. That's right.

6 Q. Okay. Other than what you've  
7 already told me, any other activities that you  
8 can't do as well or at all anymore since the  
9 accident at HomeGoods, anything else?

10           A.       I'm sure there are lots of things,  
11   you know, I -- I like to decorate, move things  
12   around the house, you know, I used to always  
13   like move my furniture. I mean, there's a lot  
14   of those sorts of things. I also feel that as  
15   a result, I haven't involved myself in any kind  
16   of interpersonal relationship, you know, a  
17   relationship where I might have with a man. I  
18   had hope to be able to join the garden, I like  
19   to garden, there's a local community garden,  
20   but I just don't feel that I'm up to that  
21   anymore either.

22 Q. Have you had to hire anyone to help  
23 you out around the house with the tasks that  
24 you can't perform?

25           A.     I haven't had to hire anybody







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McCoy

A. Dr. Hirten I believe is a physician at Mount Sinai. I don't believe that I saw him with regards to this treatment. I think I have seen him in the past when I was in the emergency room at some point when I was in the facility.

Q. For what condition?

A. For the loss of blood, so I had to have a number of transfusions.

Q. Are you anemic?

A. Yes, it's part of the GI condition related to ankylosing spondylitis, when the drugs -- when we were in-between treatments for my disease, I was bleeding significantly and that's what happens. I have to have regular infusions.

Q. When was the last time you had any of those blood infusions?

A. It's been a while because the Humira has been helping with that. So, it's been over a year.

Q. Okay. What symptoms, if any, did you experience as a result of that blood condition? Did you experience lightheadedness,

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McCoy

dizziness, anything like that?

A. No. You feel fatigue, you know,  
not lightheadedness, but you feel like  
everything is kind of an exertion.

Q. Were you feeling in any way  
fatigued on the day of the accident at  
HomeGoods?

A. No, not at all.

Q. Were you feeling any type of  
dizziness or anything like that on the day of  
the accident.

A. No.

Q. Ruben, and I'm just going to spell  
this, M-Y-L-V-A-G-A-N-A?

A. I don't know who that is.

Q. Okay. Christopher Gidicsin;  
G-I-D-I-C-S-I-N?

A. I don't know who that is.

Q. Carrie Ernst; E-R-N-S-T?

A. I don't know who that is.

Q. Gina Sam; S-A-M?

A. I don't know who that is.

Q. Ruby Greywood?

A. I don't know who that is.



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McCoy

Q. Heidi Guzman?

A. I don't know who that is.

Q. Charles Snyder; S-N-Y-D-E-R?

A. I don't know who that is.

Q. And last one is Carolyn Cromwell;  
C-R-O-M-W-E-L-L?

A. Yes, Dr. Cromwell is my  
hematologist at Mount Sinai.

Q. Is that the one that you got the  
blood transfusions from?

A. Yes, I did blood transfusions from  
her and also iron infusions.

Q. Do you have some sort of iron  
deficiency, as well?

A. Well, it's related to the GI issue  
because I had my colon taken out. I don't  
absorb iron in the way that other people do.  
So, yeah, there's always sort of low level of  
iron. And because when -- yes, so basically I  
do, I have an iron deficiency.

Q. Have you ever had any prior  
surgical procedures to either your neck or your  
back before the incident at HomeGoods?

A. No.

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McCoy

Q. You mentioned before that you take medication for depression and anxiety, I believe.

Are you claiming that you have experienced any depression or anxiety as a result of the fall at the HomeGoods store?

A. I -- well, I was treating for it prior to the fall at the HomeGoods store. And yes, I would say that it has exacerbated the underlying condition.

Q. Do you treat with a psychologist or a psychologist or both for that condition?

A. I see a therapist and a nurse practitioner for the medication.

Q. Who is the therapist?

A. Her name is Nicole Ryan -- no, sorry. Nicole Maruna at Ryan Health. That's just recently prior to that, I was seeing -- I was in a clinic at Beth Israel, and then a clinic at St. Luke's.

Q. I'm sorry, you said Nicole, what was the last name, Maruna?

A. I think her last name is Maruna.

Q. And where does she work out of?

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1 McCoy

2 Where is her office?

3 A. Yeah, it's a facility -- a health  
4 facility in the neighborhood, it's called Ryan  
5 Health.

6 Q. R-Y-A-N?

7 A. Yes.

8 Q. Okay. So, we have Ryan Health, we  
9 have the clinic at Beth Israel and the clinic  
10 at St. Luke's.

11 Anywhere else where you treated for  
12 the anxiety and depression?

13 A. No. When I was discharged from the  
14 facility, I -- that's where I went right away,  
15 the clinic at -- the mental health outpatient  
16 clinic at St. Luke's.

17 Q. Do you have any current  
18 appointments with your therapists?

19 A. Yes, I have one tomorrow.

20 Q. And you feel that the depression  
21 has gotten worse since the fall?

22 A. It's just the sense that I -- my  
23 options are just not as -- as not what I  
24 thought they would be, that I feel a lot more  
25 limited and I feel older as a result. I don't

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McCoy

know that I've necessarily been speaking with her about that, because she's relatively new and she's been helping me with this transfer, this apartment transfer. So, we pretty much focus on that.

Q. Were you ever diagnosed with cataracts?

A. Yes.

Q. When was that?

A. In like maybe 2010, that was also related to the ankylosing spondylitis because I had to use the steroid drops, and they contributed to, I think, the early cataracts, but I had surgery.

Q. When did you have the cataract surgery?

A. While I was in the facility, I think it was in maybe 2017, 2018.

Q. Did you have any difficulty seeing as a result of the cataracts?

A. Before -- when I had the cataracts?

Q. Yes.

A. Yes. You know, I had the typical thing that, you know, it's hard to look in

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McCoy

light and, you know, things are not as crisp.  
But after the surgery, it was amazing.

Q. That was my next question. Okay.

Were you involved in a prior fall at  
some time in 2014?

A. Yes.

Q. Where did that fall take place?

A. In 2014? I'm trying to think --  
that was, I think, where I went to Columbia  
Presbyterian. It took place down in a  
restaurant/bar downtown in Tribeca.

Q. Did you sustain injuries as a  
result of that fall?

A. I think I fractured a rib.

Q. On the right side or the left?

A. I don't recall.

Q. Did you bring a lawsuit as a result  
of that prior fall?

A. No.

Q. Other than going to Columbia  
Presbyterian, did you treat anywhere else after  
that fall for the condition to the rib?

A. No, I don't think so.

Q. What did they do for you, if

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McCoy

anything at Columbia Presbyterian?

A. They gave -- they probably gave me -- I think that they gave me some pain medication. They gave me this like thing that you blow in, you have to like blow it in for a while, like a period of time, you have to do it every day. I don't recall anything else.

Q. Did you continue to experience pain in the right rib area after that fall in 2014, and if so, for how long?

A. I don't think -- I don't know that it was on the right side.

Q. Okay. Wherever it was --

A. I didn't say it was on the right side. No, I actually feel like I was back on the mend pretty quickly.

Q. Now, was there a time period just before the holidays in 2020 when you recall reaching for something in a linen closet and having a fall on your knees?

A. Yes.

Q. Approximately when before the holidays was that? Do you remember what month?

A. It was either November or December.

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1 McCoy

2 Q. And what is it that caused you to  
3 fall at that time?

4 A. The pain on my right side, it kind  
5 of -- it was just like a really intense pain,  
6 and as a result of it, I just kind of was  
7 unsteady and fell on my knees, and then was  
8 able to catch myself on my hands.

9 Q. Did you sustain any injuries as a  
10 result of that incident?

11 A. No, I don't think so, no. I did  
12 tell my doctors about what had happened.

13 Q. The Mount Sinai doctors?

14 A. Yes.

15 Q. Okay. Other than that, did you  
16 treat with anyone else for any pain associated  
17 with that fall?

18 A. No.

19 Q. Have you had any other prior fall  
20 other than the two we just discussed?

21 A. No, I don't recall that I have.

22 Q. Have you had any subsequent falls  
23 since the incident at HomeGoods?

24 A. Other than that fall that we just  
25 spoke about?



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1 McCoy

2 Q. Yes, correct.

3 A. No, no. Because right now, I  
4 really use the walker all the time and I have a  
5 cane, as well. So, I -- I'm not leaving much  
6 to chance.

7 Q. Have you left the state for any  
8 reason since the incident at HomeGoods?

9 A. No.

10 Q. Did you have a plan to go to Europe  
11 at some point in 2020?

12 A. Yes, I did. I was hoping to go in  
13 2020 to France to visit very close friends of  
14 mine.

15 Q. And that didn't happen for any  
16 reason related to the incident?

17 A. To the pandemic.

18 Q. Okay. Give me a second, please.

19 A. The whole world had to change their  
20 plans.

21 MR. O'NEILL: Wait for a question.

22 BY MS. AZZARETTO:

23 Q. Have you ever been told that you  
24 had De Quervain's Tenosynovitis?

25 A. I'm sorry, can you repeat that?



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McCoy

Q. Sure. Have you ever been told you had De Quervain's Tenosynovitis?

A. Yes, it's a condition, I think, in the wrist, yes.

Q. When were you diagnosed with that?

A. I think recently -- like in the last couple of years, Mount Sinai, it's -- yes, they gave me some movements to do.

Q. Is that the right wrist or the left wrist?

A. I think it's both wrists.

Q. Were you ever told what brought that condition on, if anything?

A. No, I think it's possible -- possibly age-related or, you know, age-related arthritis, that sort of thing. I could be wrong, I'm not sure.

Q. Had you had any alcohol in the 24-hour period prior to the incident at HomeGoods?

A. No, I don't drink.

Q. Had you gotten your Humira shot that day, if you recall?

A. Do you know what day of the week

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1 McCoy

2 that -- the 29th was?

3 Q. I don't. Just if you can recall.

4 A. No, I don't think I did.

5 Q. Have you ever been convicted of a  
6 crime?

7 A. Yes, I have.

8 Q. And when was that?

9 A. In 2016.

10 Q. And what were you convicted of?

11 A. I entered a plea arrangement and  
12 I'm not exactly sure of what the charge was, it  
13 might have been grand larceny in some degree.

14 Q. So, I didn't hear the beginning of  
15 that, what kind of arrangement?

16 A. I entered into a plea arrangement  
17 to -- so that I could get out of Rikers, and  
18 I've been very ill while I was in there, I  
19 wasn't getting treated for my disease. And  
20 they told me if you accept this plea, you can  
21 leave, so I did. I think -- I'm not exactly  
22 sure, but it's possible that it was grand  
23 larceny in the 3rd degree.

24 Q. Okay. And how long were you at  
25 Rikers for?

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1 McCoy

2 A. Almost exactly one year.

3 Q. Were you ever convicted of any  
4 other crimes other than the one we just  
5 discussed?

6 A. No.

7 Q. Do you have any pending criminal  
8 charges against you?

9 A. No.

10 Q. Have you ever filed for bankruptcy?

11 A. No.

12 MS. AZZARETTO: I think that's all I  
13 have for today. I'm going to make a  
14 request for several authorizations that I  
15 don't believe I have in my possession  
16 relating to urgent care, pharmacy,  
17 psychiatric treatment.

18 I will put all of my requests in  
19 writing and send it over to you, and I'm  
20 just going to hold the deposition open  
21 until we receive those records.

22 And thank you very much for your  
23 time.

24 MR. O'NEILL: So, we're preserving  
25 our right to read and sign, and you can

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McCoy

send your requests for authorizations,  
I'm not agreeing or disagreeing right  
now, I want to see what you're  
requesting.

MS. AZZARETTO: Okay.

MR. O'NEILL: Thank you.

(Whereupon, at 12:45 p.m. the matter  
was concluded.)

\_\_\_\_\_  
TERESA MCCOY

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

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C E R T I F I C A T I O N

I, Jeffrey Shapiro, a Stenographic Reporter and Notary Public, within and for the State of New York, do hereby certify:

That TERESA MCCOY, the witness whose examination is hereinbefore set forth, was first duly sworn by me, and that transcript of said testimony is a true record of the testimony given by said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of January, 2022.

\_\_\_\_\_  
JEFFREY SHAPIRO

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DEPOSITION ERRATA SHEET

Our Assignment No. J7845303

Case Caption: McCoy vs. TJX Co.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury  
that I have read the entire transcript of  
my Deposition taken in the captioned  
matter or the same has been read to me,  
and the same is true and accurate, save  
and except for changes and/or  
corrections, if any, as indicated by me  
on the DEPOSITION ERRATA SHEET hereof,  
with the understanding that I offer these  
changes as if still under oath.

\_\_\_\_\_  
Teresa McCoy

Subscribed and sworn to on the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_ before me,

Notary Public,  
In and for the State of \_\_\_\_\_

*Fulling J. [Signature]*

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